IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 18230 of 2004

Between:

1 M. Srinivasa Babu, S/o. Late M. Kesanna, Hindu,
R/o. 6-3-164/9-1, Premnagar, Khaiatabad, Hyderabad.
2 M. Suresh Babu, S/o. Late M. Kesanna, Hindu,
R/o. 6-3-164/9-1, Premnagar, Khaiatabad, Hyderabad.
3 M. Vijayalakshmi, D/o. Late M. Kesanna, Hindu,
R/o. 6-3-164/9-1, Premnagar, Khaiatabad, Hyderabad.
4 M. Sailaja, D/o. Late M. Kesanna, Hindu,
R/o. 6-3-164/9-1, Premnagar, Khaiatabad, Hyderabad.

..... PETITIONERS

AND

1 The Chief Accounts Officer,. Pension Payment Office,
Manoranjan Housing Board Complex, M.J. Road, Hyderbad.
2 The Commissioner, Government Central Press,

Chanchalguda, Hyderabad.
3 The Government Secretariat Press, Mint Compound,

Khairatabad, Hyderabad.
4 Smt. M. Venkata Subbamma, W/o. Late M. Kesanna,

Hindu, R/o. 6-3-164/9-1, Premnagar, Khairatabad,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of

Mandamus declaring the action of the respondents 1,2 and 3 herein in illegally releasing all the retirement benefits gratuity etc. and monthly pension to the 4th respondent in spite of our specific objection through representation dt. 6-9-2003 as highly illegal, arbitrary and violative of principles of natural justice.

Counsel for the Petitioner: MR.V.RAJAGOPAL REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR FINANCE & PLANNING

The Court made the following:

ORDER:

The claim of the petitioners is that they are the children of one late Kesanna. The said Kesanna worked as a Senior Reader at Secretariat press and died on 12-7-2002, while in service. After the death of the deceased employee, the 4th respondent produced the death certificate and legal heir certificate showing that she is the legally wedded wife of the deceased employee and certain terminal benefits were released in her favour. The petitioners are contending that the deceased never married the 4th respondent and she is not the legally wedded wife of the deceased and therefore, she is not entitled for any terminal benefits on account of the death of the deceased employee.

The petitioners state that they submitted a representation to the respondents 1 to 3 on 6-9-2003 contending that the 4th respondent is not the wife of the deceased employee and that they are entitled for terminal benefits instead of the 4th respondent.

The grievance of the petitioners is that the respondents 1 to 3 did not pass any orders on their representation dated 6-9-2003 and therefore the petitioners approached this Court by way of this writ petition seeking direction to the respondents 1 to 3 to consider their representation and to pass appropriate orders. The petitioners are asserting that they are the children of the deceased. They are further asserting that 4th respondent is not the legally wedded wife of the deceased Kesanna.

In the light of the submissions made by the petitioners, the respondents 1 to 3 are directed to consider the representation of the petitioners dated 6-9-2003 and examine the documents if any produced by them to establish that the 4th respondent is not the legally wedded wife of the deceased employee and pass appropriate orders according to the rules within a period of two months from the date of receipt of

a copy of this Order.

The writ petition is accordingly disposed of. No order as to costs.

8-10-2004

rkk

Note:

Issue CC by

three days.

(B/o)

rkk

To

1 The Chief Accounts Officer,. Pension Payment Office,
Manoranjan Housing Board Complex, M.J. Road, Hyderbad.
2 The Commissioner, Government Central Press,

Chanchalguda, Hyderabad.
3 The Government Secretariat Press, Mint Compound,

Khairatabad,Hyderabad.

4 Two CCs to GP for Finance and Planning, High Court buildings, Hyderabad (OUT)

5 Two CD copies.